

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Hueler Investment Services, Inc.,

Plaintiff,

v.

ORDER

Civil No. 06-4600 ADM/AJB

FMR Corp., Fidelity Investments
Life Insurance Company, Fidelity
Brokerage Services LLC, and
Fidelity Insurance Agency, Inc.,

Defendants.

Judith A. Powell, Esq., Kilpatrick Stockton LLP, Atlanta, GA, and Michael Skoglund, Esq.,
Dorsey & Whitney LLP, Minneapolis, MN, on behalf of Plaintiff.

Michael E. Florey, Esq. and Joel D. Leviton, Esq., Fish & Richardson P.C., Minneapolis, MN,
on behalf of Defendants.

On March 9, 2007, oral argument before the undersigned United States District Judge was heard on Defendants' Motion to Dismiss Count IV of Plaintiff's Complaint and to Strike Plaintiff's Demand for Punitive Damages [Docket No. 12]. For the reasons stated on the record at the hearing: (1) Defendants' Motion to Dismiss Count IV of Plaintiff's Complaint is **DENIED**, and (2) Defendants' Motion to Strike Plaintiff's Demand for Punitive Damages is **GRANTED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: March 9, 2007.